

EXHIBIT “D”

STATE * IN THE DISTRICT COURT FOR
*
VS. * QUEEN ANNE'S COUNTY,
* MARYLAND
DARRELL A. BRITTINGHAM * CASE NO. 1M5517
*
* * * * *

The following is a transcript of the Court Trial in
the above matter held on March 17, 2000 in the District Court
for Queen Anne's County, Maryland before The Honorable Floyd
L. Parks.

APPEARANCES:

For the State:

Christopher F. Drummond

For the Defendant:

David M. Williams

Melinda S. Kelley
Official Court Reporter
Kent County Circuit Court
103 N. Cross Street
Chestertown, MD 21620

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PROCEEDINGS

MR. DRUMMOND: State of Maryland versus Darrell A. Brittingham.

THE COURT: Darrell A. Brittingham. Mr. Williams. This is a obstructing and hindering and resisting arrest case.

MR. WILLIAMS: Yes, Your Honor.

THE COURT: Disorderly conduct case. Is there any other case that goes along with it?

MR. WILLIAMS: There's a motor vehicle case, Your Honor, driving while intoxicated.

THE COURT: Driving at excessive speed, driving... driving or attempting to drive while intoxicated.

Do you want to waive the readings of these charging documents?

MR. WILLIAMS: Yes, Your Honor.

THE COURT: What's the plea?

MR. WILLIAMS: Not guilty to all charges.

THE COURT: All charges?

MR. WILLIAMS: Yes, sir.

THE COURT: Okay. And you waive your right to a jury trial?

MR. WILLIAMS: Correct, Your Honor.

THE COURT: And you have told your client what a jury trial is? You heard what I said a jury trial was. Is

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1 you under medication for *Exhibit E* shoulder and low
2 back?

3 A Yes. I was on

4 Q What was it?

5 A Percocet.

6 Q Have you been back to the doctor since this
7 incident with --

8 A Yes.

9 problems have increased?

10 up to...I have to take two to three
11 Ty *From* per form of Percocet. I have to take
12 th *Have* get me through the day.

13 Q Okay. Now, you heard the Officer testify that he
14 observed you wobbling and unsteady on your feet when you
15 walked from your car. What do you have to say about that?

16 A That's a normal activity for me. If anybody
17 observed me walking anytime, I am wobbly. I can't walk
18 straight. I have a bad back. I have a bad knee. I mean, as
19 far as bloodshot eyes, I wear contacts. You can look at me
20 right now. My eyes are bloodshot.

21 Q So you are saying you are bloodshot...your eyes are
22 bloodshot all of the time?

23 A Yes.

24 Q Okay.

25 *↑* proof to me.
to here

1 I am going to go...I will leave it at that and find
2 you not guilty and give you the benefit of that. It's awful
3 close on resisting arrest because there was a lot of...of...
4 of force to try to not allow yourself to be handcuffed.

5 At any rate, giving you the...as far as I can go on
6 the benefit of doubt in this case, the verdict is guilty on
7 disorderly conduct.

8 Do you want to be heard on the sentencing?

9 MR. WILLIAMS: Yes, Your Honor.

10 THE COURT: First, the State gets to go.

11 MR. WILLIAMS: Well, I ask for a clarification,
12 Your Honor. He is guilty of disorderly conduct. Is it not
13 guilty of all of the other charges?

14 THE COURT: Well, the driving in excess is guilty.

15 MR. WILLIAMS: Found guilty on that also?

16 THE COURT: Two charges. The rest of them I found
17 not guilty.

18 MR. WILLIAMS: Okay. Negligent driving would be
19 not guilty also?

20 MR. DRUMMOND: Merged.

21 THE COURT: I already granted a judgement of
22 acquittal on that because I figured it had to merge to one
23 side or the other. If it didn't merge to the drunk driving,
24 it would merge to unreasonable speed.

25 MR. WILLIAMS: Thank you, Your Honor.

1 what to do in this case? You don't have to make any
2 statements if you don't want to.

3 MR. BRITTINGHAM: I mean, am I going to get in
4 trouble if I make a statement though?

5 THE COURT: You don't get in any -- Well, it
6 depends on what you say.

7 MR. BRITTINGHAM: I mean, I just...I just can't
8 believe that I have been...been charged with anything but
9 maybe speeding. I can't believe that I have been charged
10 with disorderly conduct because the policemen actually are
11 the ones that forced me into it.

12 COURT'S SENTENCE

13 THE COURT: Well, I...what I am going to do is I
14 think the situation, taken as a whole, giving you the
15 benefits of the doubt, there is enough evidence here to find
16 you guilty of resisting arrest if I believed it all. When a
17 police officer tells you to do something, you don't get up in
18 the police officer's face, especially when he had got a crowd
19 and he is doing something else. Your...your faculties
20 weren't working right that night. You weren't thinking
21 straight. You jump up in a police officer's face while he is
22 trying to...he has got some guys and he's making an arrest
23 and you tell him he's got to go around the corner and arrest
24 somebody for me, you know. You need to sit in your car until
25 they are done. But, at any rate, somewhere along the line,

1 you...you lost that. But...and...so I found you guilty of
2 driving while in excess of reasonable and prudent speed. The
3 fine in that case is \$77.00 and \$23.00 costs. You have
4 thirty days to file an appeal, ten days to file a motion for
5 a new trial. \$100.00 is due today.

6 In the other case, the verdict is guilty. The
7 sentence is fifteen days in jail, suspended, \$195.00 fine,
8 \$55.00 cost, place you on supervised probation for one year
9 effective today supervised by Parole and Probation.

10 MR. WILLIAMS: Can he pay the fine and costs today?

11 THE COURT: The length of probation is one year.
12 Standard conditions of probation apply. Can he pay the
13 \$250.00 -- There's \$350.00 worth of fines here. Can you pay
14 those today, sir?

15 MR. BRITTINGHAM: Yes.

16 THE COURT: And that will...\$250.00 is due on that
17 case and 100 on the other.

18 MR. WILLIAMS: She is going to give you some
19 paperwork. I will meet you out at the counter.

20 THE COURT: Wait a minute. I am not done.

21 MR. WILLIAMS: Oh, I am sorry. Sorry, Your Honor.

22 THE COURT: Special condition of probation is to
23 pay the fine and costs and restitution, or fine and costs is
24 all it would be, and you are going to do that today in both
25 cases.